

and Figure 5 (“Species 3” as proffered by the Examiner). Therefore, each of the foregoing claims is asserted to be generic as to the proffered species.

In setting forth the restriction requirement, the Examiner baldly asserts that Figure 2 illustrates a method of setting gray levels distinct from the methods disclosed in Figures 3 and 5, that the method of setting a gray level illustrated in Figure 3 is distinct from the methods disclosed in Figures 2 and 5, and the method of setting a gray level illustrated in Figure 5 is distinct from the methods as disclosed in Figures 2 and 3. In addition to failing to properly set forth a restriction requirement based upon species, see M.P.E.P. § 806.04, the foregoing is simply not accurate.

The table set forth in Figure 3 is expressly described as “depicting how 255 shades of gray can be generated using the method illustrated in FIGURE 2,” paragraph 0029.

Accordingly, it is not understood how “[t]he method of setting a gray level as illustrated in FIG. 3 is distinct from the method[] as disclosed in FIG[] 2,” and the Office Action fails to offer any support for such a conclusion, Office Action at page 2.

Moreover, although providing additional detail with respect to operation of an embodiment in order to aid in understanding the concepts of the invention, the flow diagram of Figure 5 sets forth steps corresponding to those set forth in Figure 2. In support of the foregoing, Applicant invites the Examiner to compare the steps of Figure 2 to the discussion of Figure 5 appearing at paragraphs 0035 and 0036 of the present specification. Accordingly, Applicant is unable to appreciate how “the method of setting a gray level as illustrated in FIG. 5 is distinct from the methods as disclosed in FIGs. 2 and 3,” *id.*

As shown above, Applicant respectfully asserts that Figures 2, 3, and 5 do not set forth species which may be properly restricted and thus the restriction requirement should be withdrawn. If the Examiner maintains the restriction requirement, Applicant solicits detail meeting the requirements of M.P.E.P. § 806.04 as to how the Examiner finds the proffered “species” are independent or distinct. That is, Applicant respectfully requests that the Examiner provide proper and express support for the assertion that any proffered species are independent or distinct.

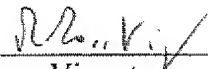
II. Conclusion

In view of the above, and in light of the arguments set forth in the Amendment dated July 19, 2007, Applicant believes the pending application is in condition for allowance. Reconsideration and allowance of the pending claims are respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 65744/P021US/10404749 from which the undersigned is authorized to draw.

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Respectfully submitted,

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